

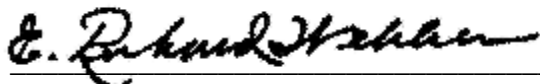
The second document is DUPGRS03128182, a memo of proposed talking points for a meeting with a political figure, attached to an email exchange between in-house and outside counsel. Defendants improperly withheld this document, as the memo itself, while addressing

legal matters – specifically the state of competition in the biotechnology trait market(s) – does not constitute legal advice, in that it is aimed at assisting Defendants in their lobbying efforts. *See Rattner v. Netburn*, 1989 WL 223059, at *6 (S.D.N.Y. 1989) (ordering production of a draft press release from counsel concerning an ongoing legal dispute because confidential communications from counsel concerning a mixture of business, political, and legal matters are not privileged “[u]nless the communication is designed to meet problems which can fairly be characterized as predominantly legal”) (internal quotations and citations omitted). Defendants will be ordered to produce this document in unredacted form.

Accordingly,

IT IS HEREBY ORDERED that Monsanto’s Second Motion to Compel Production of Recalled Documents [doc. #699] is **GRANTED**, with respect to document DUPGRS03128182, **DENIED**, with respect to document DUPGRS03125399, and is otherwise **DENIED, as moot**. Defendants shall produce the ordered document to Monsanto no later than **June 17, 2011**.

Dated this 9th Day of June, 2011.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE